

Testimony in support of H.B. 4481
Michigan House of Representatives
Criminal Justice Committee

May 19, 2015

Dear Chairman Heise & committee members,

I am Rebecca Kiessling, an Oakland County resident and attorney who has specialized in family law for many years. I'm the co-founder of the organization Hope After Rape Conception, and also the founder and President of Save The 1 – a group with hundreds of members who were conceived in rape or incest and mothers who became pregnant as a result of rape. I've been an active participant in an email support group for the same group of survivors as well.

Through these groups I have met numerous mothers and birthmothers over the years who had to fight their rapist for custody. In some instances, the rapist was awarded parenting rights and in others, they were not. Oftentimes, women like Liz Carl – a birthmother who was choosing adoption – and Shauna Prewitt had to drop their criminal prosecutions in exchange for the rapist dropping his custody case. The custody battle is used as a strategy by defense attorneys once they find out there is DNA evidence from a child.

As we learned about these cases of grave injustice, Hope After Rape Conception developed model legislation similar to H.B. 4481 before you today. It was first passed in the Florida legislature by unanimous votes. H.B. 4481 uses the "clear and convincing evidence" language from U.S. Supreme Court case "Santosky v Kramer," which is the standard set for termination of parental rights. Though this legislation only pertains to custody and parenting time, it's a step in the right direction.

The Family Law Section of the State Bar (of which I am formerly a member) has issued a statement claiming that under this bill, "the Family Courts would now have to conduct criminal sexual conduct trials," and that "this will consume large amounts of scarce hearing time, and pull the focus away from the child's best interests." First of all, allegations of child sexual abuse are already raised within the Family Court in custody and parenting time disputes. This is nothing new. Secondly, to argue that there is not enough hearing time to protect rape survivor mothers and their children from the rapist having parental rights is just not good enough. And to top it off, the Family Law Section's claim that this would pull the focus away from the child's best interests is absolutely absurd!

As a person who was conceived in rape, I would not have wanted to have anything to do with this man. Time and time again, members of my organizations share their stories of how they were conceived in rape, then their rapist father ended up raping them as well. [Darlene Pawlik](#) and [Rowena Slusser](#) are two recent examples of women who have come forward with their stories of such conception and subsequent abuse. You don't play Russian Roulette with children -- they should have been protected! I urge you to pass, H.B. 4481, the Rape Survivor Child Custody Act.